

FILED

JAN - 8 2019

Clerk, U S District Court
District Of Montana
Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

DAN DORAN and JULIE DORAN,

Plaintiffs,

vs.

WILLY SMITH; TRAVIS BURROW;
KALEB LARSON; RON MARTIN;
DIRK JOHNSON; RYAN BALL;
CITY OF GREAT FALLS; and DOES
1-10,

Defendants.


CV 4:18-cv-136-GF-SPW

ORDER

Plaintiffs Dan and Julie Doran filed their complaint against all defendants on October 24, 2018. (Doc. 1). Defendant Ryan Ball responded to the complaint with a motion to dismiss under Rule 12(b)(6). (Doc. 3). Plaintiffs Dan and Julie Doran responded to Defendant Ball's motion to dismiss by amending their complaint. (Doc. 17). Defendant Ball's motion to dismiss the original complaint is therefore moot. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) ("[A]fter amendment the original pleading no longer performs any function and is treated thereafter as non-existent."); *Wagner v. Choice Home Lending*, 266 F.R.D. 354,

360 (D. Ariz. 2009) (holding amended complaint rendered motion to dismiss original complaint moot). The motion to dismiss (Doc. 3) is denied as moot.

DATED this 7th day of January, 2019.


SUSAN P. WATTERS
United States District Judge